

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

FREDA HILL

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:23-CV-53-DPJ-FKB

WALMART STORES EAST, LP

DEFENDANT

MOTION TO WITHDRAW AS COUNSEL

COMES NOW, Brennan J. Ducote, Esq., Martin R. Jelliffe, Esq., and the law firm of Morgan & Morgan, PLLC, (hereinafter sometimes referred to collectively as M&M) and files this Unopposed Motion to Withdraw as Counsel of record for Freda Hill (the “Plaintiff”) in the above cause of action, and requests that they, and the law firm of Morgan & Morgan (“M&M”) be withdrawn as counsel of record for Ms. Hill and would show unto the Court the following:

1.

On September 30, 2022, Martin R. Jelliffe, Esq. filed a Complaint on behalf of Plaintiff, Freda Hill, in the Circuit Court of Rankin County, Mississippi alleging a slip and/or trip and fall incident that occurred on the premises of the Defendant. This case was properly removed to the United States District Court of the Southern District of Mississippi on January 20, 2023. On March 3, 2023, Brennan J. Ducote of the law firm Morgan & Morgan filed his Entry of Appearance.

2.

Attorney Brennan J. Ducote of Morgan & Morgan, PLLC has been representing the Plaintiff, Freda Hill, since entering the case on March 3, 2023. During the course of litigation and working on written discovery, M&M determined that a conflict exists between the Plaintiff and M&M, to the extent that the undersigned does not believe that M&M can continue to

represent Ms. Hill. Counsel has conferred with Counsel for Walmart, who is unopposed to the instant Motion.

3.

Plaintiff's counsel respectfully requests that the Plaintiff be given sixty (60) days to obtain new counsel, or for Plaintiff to acknowledge her intention to act *pro se* (represent herself) in this matter going forward. In the event that Plaintiff, Freda Hill, does not obtain new counsel within sixty (60) days or advise the Court in writing of her intention to proceed *pro se*, the case will be dismissed without prejudice. Counsel further respectfully requests the current scheduling deadlines proscribed at the Telephonic Case Management Conference be suspended until such time that the Court Rules on the instant Motion.

4.

Plaintiff, Freda Hill, has been informed of this conflict, and will not be prejudiced by said withdraw as she has the opportunity to obtain new counsel or proceed *pro se*.

WHEREFORE, PREMISES CONSIDERED, the undersigned counsel, Brennan J. Ducote, Esq., and the law firm of Morgan & Morgan, PLLC, respectfully requests that this Honorable Court enter an Order allowing withdraw from the representation of Plaintiff in this civil action, that Plaintiff will be given sixty (60) days to obtain new counsel or express her desire to proceed *pro se*, and that Brennan J. Ducote, Esq., Martin R. Jelliffe, Esq., and the law firm of Morgan & Morgan, PLLC be relieved of any further duties owed to the Plaintiff in this regard, and for any other relief which the Court deems appropriate.

RESPECTFULLY SUBMITTED, this the 13th day of July, 2023.

BY: /s/ Brennan J. Ducote
BRENNAN J. DUCOTE, Esq.

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ATTORNEYS FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

I, Brennan J. Ducote, do hereby certify that I have caused to be served, via Certified Mail return receipt requested, U.S. Mail and/or electronic mail, a true and correct copy of the above and foregoing to the following:

Freda Hill
P.O. Box 385
Ridgeland, Mississippi 39157

Malissa Wilson (MSB #100751)
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This the 13th day of July, 2023.

/s/ Brennan J. Ducote
BRENNAN J. DUCOTE, ESQ.